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Attorneys for Plaintiff
 VIOLET BLUE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

VIOLET BLUE, an Individual,

 Plaintiff,

 v.

Case No. C 07-5370 SI

**DECLARATION OF COLETTE VOGELE IN
 SUPPORT OF PLAINTIFF'S REPLY BRIEF
 TO DEFENDANT'S OPPOSITION TO
 MOTION FOR SANCTIONS**

ADA MAE JOHNSON a/k/a ADA
 WOFFINDEN, an individual d/b/a
 VIOLET BLUE a/k/a VIOLET a/k/a
 VIOLET LUST; ASSASSIN PICTURES
 INC., a California Corporation;
 ASSASSINCASH.COM; BILL T. FOX,
 an individual, a/k/a BILL FOX; FIVE
 STAR VIDEO L.C., an Arizona Limited
 Liability Company a/k/a Five Star Video
 Distributors LLC d/b/a Five Star
 Fulfillment; and DOES 1-10,

 Defendants.

Date: March 18, 2008
 Time: 9:30 a.m.
 Place: Courtroom 11, 19th Floor
 450 Golden Gate Avenue
 San Francisco, CA 94102
 Before: The Honorable Susan Illston

AND RELATED CROSS-CLAIM

I, Colette Vogele, declare as follows:

1. I am a member of the State Bar of California, admitted to practice before this Court, founding attorney of Vogele & Associates, and attorney of record for Plaintiff and movant Violet Blue ("Ms. Blue") herein. The facts contained in this declaration are known personally to me and, if called as a witness, I could and would testify competently thereto under oath.

1 2. Defendant's Counsel, Mr. Robert Apgood, first contacted me by telephone on the
2 morning of November 9, 2007. In that conversation, Mr. Apgood stated that he represented
3 Defendant and sought Plaintiff's agreement to "sever" and "remove" the case to the Western
4 District of Washington. I told Mr. Apgood that I would need to speak with my client regarding
5 the unusual request, and would get back to Mr. Apgood promptly. Later that same afternoon, I
6 left a voice message for Mr. Apgood asking him to contact me to discuss the proposed motion
7 regarding severance and removal of the case. Mr. Apgood never returned my call.

8 3. On November 20, 2007, I drafted a letter to Mr. Apgood and sent it to him by
9 email and fax. A true and correct copy of this letter is attached hereto as Exhibit A. I sent a
10 "carbon copy" of this same letter to Defendant directly in the same email in which I sent it to Mr.
11 Apgood. I sent it to Defendant directly because she had been in communication directly with me
12 prior to November 9 and in the intervening 12 days after November 9, I had not received a *pro*
13 *hac vice* motion, a response to my voice message left on November 9, or any other confirmation
14 either orally or in writing that that Mr. Apgood represented Defendant.

15 4. On November 27, 2007, I received an email from Mr. Apgood. A true and correct
16 copy of that email is attached hereto as Exhibit B. For completeness of the record, my response
17 letter emailed the same date, November 27, 2007, is attached hereto as Exhibit C.

18 5. As noted in my prior Declaration signed on January 29, 2008, at paragraph 2, I
19 contacted Mr. Apgood on December 5, 2007, to seek consent for the filing of a First Amended
20 Complaint in this action. During that December 5 phone conversation with Mr. Apgood, Mr.
21 Apgood did not inform me that he was unable to consent because he did not have a sufficient
22 opportunity to review the file. To the contrary, Mr. Apgood asserted concerns about venue and
23 jurisdiction which he had raised nearly a month earlier in our first conversation on November 9,
24 2007.

25 6. I was not informed that Mr. Apgood had submitted a *pro hac vice* application
26 with the Court until he told me he had filed it during our call on December 5. Thereafter, Mr.
27 Apgood emailed the *pro hac vice* application to me after I requested it in our December 5 phone
28 conversation. A true and correct copy of Mr. Apgood's December 5, 2007 email to me regarding

1 the *pro hac vice* application is attached hereto as Exhibit D, but the actual application exhibits
2 are omitted from this declaration (the application is available in the Court's record as Docket
3 Nos. 6, 7).

4 7. I noticed the hearing date for Plaintiff's motion to amend on the same date as the
5 case management conference, January 29, 2008, so as to reduce the number of trips Defendant
6 and/or her Counsel would have to make to California in this proceeding. A true and correct copy
7 of my email dated December 21, 2007 to Mr. Apgood noting that the date would be the same as
8 the scheduled case management conference is attached hereto as Exhibit E.

9 8. As noted in my declaration dated January 29, 2008, I am familiar with the hours
10 worked and fees charged by attorneys at Vogeles & Associates. I am also familiar with the
11 copying and administrative costs billed by Vogeles & Associates.

12 9. Preparing this reply brief and supporting declaration required an additional 10.3
13 hours of associate time and 6.4 hours of my time. These attorneys' fees total \$2,889. I anticipate
14 that Plaintiff will also incur approximately \$100 in word processing and copying costs in
15 preparation and filing this Reply Brief and supporting declaration, and approximately 3 hours of
16 my time to prepare for and attend the hearing on this Motion. Accordingly, I estimate that the
17 total attorneys' fees for preparing the motion for sanctions and accompanying declaration, the
18 reply brief, this declaration, and attending the hearing will total \$4,907.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed this 19th day of February 2008, at San Francisco,
21 California.

22 /S/
23 _____
24 Colette Vogeles
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